

**MONTANA WIC PROGRAM**

**STATE PLAN & POLICIES MANUAL**

**CHAPTER 10  
10.0 CIVIL RIGHTS**

**TABLE OF CONTENTS**

**Policies**

10-1 Civil Rights

## **MONTANA WIC PROGRAM**

### **STATE PLAN & POLICIES MANUAL**

#### **10-1 Civil Rights**

Policy Number: 10-1  
Effective/Revised Date: August 15, 2005

---

Chris Fogelman, Manager

##### **Purpose**

To ensure that no part of the administration or service of the WIC Program in the State of Montana shall exclude from participation in, deny benefits of or subject to discrimination any person on the grounds of race, color, national origin, age, disability or sex.

In addition, Montana law requires no discrimination on the basis of religion, creed, political ideas or marital status.

##### **Authority**

7 CFR Parts 15, 15a, and 15b, FCS instructions and MCA 49-2-303.

##### **Policy**

The local agency (LA) shall be in compliance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, 7 CFR Parts 1, 15a, and 15b, FCS instructions and MCA 49-2-303.

---

##### **Guidelines**

- I. **Public Notification:** Once a year all LA's are required to publicize the availability of benefits and eligibility criteria to the general public with special emphasis on Pregnant Women, Migrants and the Homeless. Agencies and private groups serving minority populations are included in the outreach and referral network. State and LA program responsibilities in this area are described in this section of the State Plan.

During and just prior to the migrant season, special outreach efforts are made to inform migrants of the availability of the Program. Outreach and referral activities are monitored by the State WIC Agency staff during the on-site monitoring visit and in the review of the annual outreach and referral plan

All LA's must display the poster "And Justice for All" in a place where it can be easily seen by participants and potential participants. Office hours, the Non-smoking poster and Fair Hearing Procedures must also be posted where they can be easily seen. Participants are informed of their rights and responsibilities on the Certification Form and Eligibility Statement, WIC ID Packet and Rights and Responsibility Form.

## MONTANA WIC PROGRAM

### STATE PLAN & POLICIES MANUAL

#### 10-1 Civil Rights, continued

The Fair Hearing Procedures and Discrimination Complaint are provided to participants when they are determined ineligible for the program. These are described in the State Plan, Chapter 4. Ineligible persons are provided with WIC regulations and pertinent policy statements upon request.

When new sites or programs open or change hours of operation, the LA's involved are required to inform the public and State WIC agency of those changes.

- II. Bilingual Staff and Materials: Bilingual staff or interpreters are available for WIC projects serving participants who speak Vietnamese, Laotian, Crow and other Native American dialects. Spanish speaking staff is available during the migrant season for those programs that serve migrants.

All outreach materials shall contain a civil rights statement to the effect that: *This is an equal opportunity program. If you believe you have been discriminated against because of race, color, national origin, age, sex or disability, write immediately to the Secretary of Agriculture, Washington, D.C. 20250.*

Non-discrimination Policies and Procedures: WIC's non-discrimination policy is printed on the WIC Certification Form and Eligibility Statement, WIC ID Packet, WIC Brochures, press releases and any other materials regarding WIC eligibility.

- III. Local WIC Program Reviews: State WIC Agency staff reviews all local programs and at least 25% of the satellites biennially. The monitoring checklist includes questions on civil rights.

During the on-site visit the State staff checks the ineligible file for possible discrimination. The State staff makes recommendations to local programs based on monitoring findings.

LA's are required to respond to the recommendations with their corrective action plans which have been developed with input of State WIC Agency staff. A follow-up on their action is accomplished through additional conversations, correspondence or visits as necessary. Copies of these reports are in the files at the State and LA's.

All findings of non-compliance or probably non-compliance related to Title VI will be forwarded to the Regional Administrator, MPRO.

- IV. Pre-award Reviews of Potential Local Programs: As part of the application review process, State WIC Agency staff will review applications according to the criteria outlined in FCS Instruction 113-2, IX, A, 2.
- V. Retailer Reviews: Every retailer agreement will be reviewed annually. All retailer agreements contain a non-discrimination statement.

## MONTANA WIC PROGRAM

### STATE PLAN & POLICIES MANUAL

## 10-1 Civil Rights, continued

### Procedures

#### I. Data Collection

LA's are responsible for the collection of racial/ethnic statistical information. The procedures used by the LA's are described below.

- a. Participants will be asked to self-identify their racial group at the time of application, but only after the staff has explained, and they understand, that the collection of this information is strictly for statistical reporting requirements and has no effect on the determination of their eligibility to participate in the Program.
- b. Visual identification shall be used by LA staff to determine a participant's racial/ethnic category if it is not identified by the participant. For reporting purposes, a participant may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging.
- c. This information is reported annually to the Regional Office via the FCS Form 191. Data is maintained for three years. This data is available only to authorized personnel in an aggregated format as a safeguard to prevent its use for discriminatory purposes.
- d. The minimum categories for data on race and ethnicity for Federal statistics, program administrative reporting and civil rights compliance reporting are defined as follows:

#### Ethnicity

Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, South or Central America, or other Spanish culture or origin, regardless of race. The term, "Spanish origin," can be used in addition to "Hispanic or Latino."

#### Race

American Indian or Alaska Native. A person having origins in any of the original peoples of North and South American (including Central America), and who maintains tribal affiliation or community attachments.

Asian. A person having origins in any of the original peoples of the Far East, Southeast Asian, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American. A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black."

## MONTANA WIC PROGRAM

### STATE PLAN & POLICIES MANUAL

Native Hawaiian or other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

#### 10-1 Civil Rights, continued

White: A person having origins in any of the original peoples of Europe, Middle East, or North Africa.

##### II. Complaints

Anyone alleging discrimination based on race, color, national origin, sex, age or disability has the right to file a complaint. All complaints, written or verbal, shall be accepted and forwarded immediately to the Secretary of Agriculture or Director, USDA, Washington, DC 20250.

Any complaint regarding religion, creed, political ideas, or marital status will be reported within 180 days to the Montana Human Rights Commission, P.O. Box 1728, Helena, MT 59624

##### III. Civil Rights Training.

The State WIC Agency will update LA program staff by mail. The update shall include all aspects of program operations, particularly:

Collecting and using data.

Effective public notification systems.

Complaint procedures.

Review techniques.

Resolution of non-compliance, including development of an action plan.

##### IV. Training Module

The State WIC Agency provided a training module and testing program for all current employees and volunteers that was completed by December 31, 1996.

New employees and volunteers (after December 31, 1996) shall complete the training and testing in conjunction with the Competency Training.